

ENROLLED ORIGINAL

A RESOLUTION

15-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To confirm the appointment of Ms. Ruthanne G. Miller to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Zoning Adjustment Ruthanne G. Miller Confirmation Resolution of 2003".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Ruthanne G. Miller
3305 35th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), replacing Anne Mohnkern Renshaw, whose term ended September 30, 2002, for a term to end September 30, 2005.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To establish a special committee to review and oversee the development and implementation of a comprehensive housing policy for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Establishment of the Special Committee on a Comprehensive Housing Policy for the District of Columbia Resolution of 2003".

Sec. 2. Establishment of a special committee on the development and implementation of a comprehensive housing policy for the District of Columbia.

Pursuant to section 251 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period XV ("Council Rules"), there is hereby established the Special Committee on a Comprehensive Housing Policy for the District of Columbia ("Special Committee").

Sec. 3. Membership and chairmanship of the Special Committee.

(a) The Special Committee shall be comprised of the following members of the Council: Councilmembers Brazil, Chavous, Evans, Fenty, and Graham. The Chairman of the Council shall be an ex-officio, voting member of the Special Committee and may be counted for purposes of a quorum, but shall not increase the quorum requirement for the Special Committee.

(b) Councilmembers Brazil and Fenty shall be co-chairs of the Special Committee.

Sec. 4. Responsibilities of the Special Committee.

(a) The responsibilities of the Special Committee shall be to:

(1) Hold a hearing or hearings on, consider, and mark up the Comprehensive Housing Strategy Act of 2003, as introduced on January 7, 2003 (D.C. Bill 15-41) ("Act");

(2) Prepare a Special Committee print and report on the Act, if required, which shall be referred to the Committee of the Whole as if the Special Committee was a subcommittee of the Committee of the Whole;

(3) Review the appointment of members nominated to serve on any task force established by the Act;

(4) Oversee the progress of any task force established by the Act to develop a comprehensive housing strategy for the District of Columbia; and

(5) Review the District's progress in meeting any recommendations, goals, or timetables set forth in any comprehensive housing strategy created pursuant to the Act.

(b) The responsibilities of the Special Committee shall be limited to those enumerated in subsection (a) of this section.

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Sec. 5. Hearings and meetings; quorum.

(a) A hearing of the Special Committee may be called by the concurrence of the co-chairs, which shall be held pursuant to the rules promulgated under section 7.

(b) A meeting of the Special Committee may be called by the concurrence of the co-chairs, which shall be held pursuant to the rules promulgated under section 7.

(c)(1) For the purposes of a hearing, one member of the Special Committee shall constitute a quorum.

(2) For the purposes of a meeting, four members of the Special Committee shall constitute a quorum; provided, that no meeting shall be held without the presence of both co-chairs.

Sec. 6. Staff.

(a) The Special Committee may appoint staff or consultants to assist and advise the Special Committee on matters before the Special Committee; provided, that no staff or consultant may be appointed without the written concurrence of the co-chairs, and that no staff or consultant may be appointed beyond the duration of the Special Committee as set forth in section 8.

(b) The budget for staff or consultant(s) shall be no more than \$75,000.

Sec. 7. Rules.

The Special Committee, pursuant to section 226 of the Council Rules, shall adopt written rules, not inconsistent with the Council Rules, this resolution, or other applicable law, to govern its procedures.

Sec. 8. Duration of the Special Committee.

The Special Committee shall cease to exist one year after the effective date of this resolution.

Sec. 9. Fiscal impact statement.

This resolution has no fiscal impact.

Sec. 10. Effective date.

This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need for the State Health Planning and Development Agency to implement streamlined Certificate of Need procedures.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Services Planning and Development Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Health Services Planning and Development Emergency Amendment Act of 2003, effective March 28, 2003 (D.C. Act 15-49), is scheduled to expire on May 30, 2003. The Health Services Planning and Development Temporary Amendment Act of 2003, signed by the Mayor on April 16, 2003 (D.C. Act 15-66), is pending Congressional review.

(b) Approval of emergency legislation is necessary to prevent a gap in legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Services Planning and Development Congressional Review Emergency Declaration Resolution of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-91

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to maintain a Special Education Task Force to assist the District of Columbia Public Schools in the implementation of its Seven Point Plan and improve the District of Columbia Public Schools' ability to deliver special education services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Education Task Force Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Special Education Temporary Act of 2002 expires on June 1, 2003.

(b) There continues to exist an immediate crisis regarding the District of Columbia Public Schools' ("DCPS") ability to deliver special education services to students within the public schools system. Special Education continues to be a major strain on DCPS' budget and the District's budget as a whole. Despite significant increases to DCPS' budget over the last five years, improvement in the delivery of special education services has not occurred.

(c) In addition, DCPS must comply with certain legal mandates, such as the Individuals with Disabilities Education Act, when a student seeks special education services. This inability to comply has elevated the cost of special education.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Special Education Task Force Establishment Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-92

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to remove restrictions on the ability of members of the Board of Education to accept honoraria.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Honoraria Amendment Emergency Declaration Resolution of 2003".

Sec. 2. (a) The "Honoraria Temporary Amendment Act of 2002" expires on June 1, 2003.

(b) There exists an emergency regarding the ability of members of the Board of Education to accept honoraria after appointment or election.

(c) Prior to the enactment of the "Honoraria Emergency Amendment Act of 2002" members of the School Board were subject to an annual \$10,000 limitation on honoraria.

(d) Since this limitation was enacted in 1989, the composition of the Board has changed to include both elected and appointed members.

(e) When this limitation was enacted compensation for members of the Board was substantially higher, and the Board had authority to adjust this compensation. This is no longer the case.

(f) It is important to the stability of the Board that the honoraria limit be removed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Honoraria Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-93

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to transfer the operation of the Disability Compensation Program from the Office of Personnel to the Office of Risk Management of the Office of the City Administrator.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disability Compensation Program Transfer Emergency Declaration Resolution of 2003".

Sec. 2. The Council of the District of Columbia finds that:

(1) The transfer of operation of the Disability Compensation Program initiated in the Fiscal Year 2002 Budget Support Act of 2001 was designed to enhance efficiency and effectiveness of operations through application of professional disability compensation management and techniques.

(2) The Disability Compensation Program is largely comprised of the examination and resolution of disability compensation claims and related loss analysis and risk control strategies to contain these costs. These functions are typically performed as part of a professional risk management program

(3) Most of the professional expertise required by the Disability Compensation Program is being received from the Office of the City Administrator/Office of Risk Management that was established after the initial transfer of the operation of the Disability Compensation Program. The Office of Personnel also continues its assigned oversight responsibilities for the program.

(4) Redundancy of management is impacting economy, efficiency, and effectiveness of the program during this first year of the revised program operation.

(5) It is expected that the prompt enactment of emergency legislation transferring the administration of the Disability Compensation Program to the Office of the City Administrator/Office of Risk Management will assist in realizing the original efficiency and effectiveness objectives of the Fiscal Year 2002 Budget Support Act of 2001 transfer during this 2nd year.

(6) Because permanent legislation must undergo 2 Council readings and a 30-day Congressional review period before it can become effective, emergency legislation is required to enable the Office of the City Administrator/Office of Risk Management to begin to immediately apply professional risk management to the program without administrative redundancy.

(7) The Disability Compensation Program Transfer Temporary Act of 2002 expires on May 30, 2003.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Disability Compensation Program Transfer Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency, with respect to the need to increase civil and criminal penalties for violations of the laws and regulations concerning lead-based paint abatement and control to reduce the incidences of lead poisoning in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Lead-Based Paint Abatement and Control Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an immediate crisis regarding children in the District of Columbia who continue to be lead poisoned at a rate that exceeds the national average as a result of persons conducting lead-based paint abatement and control without the use of trained and certified lead abatement contractors and workers.

(b) The current sanctions for failure to abide by the laws and regulations concerning lead-based paint abatement and control are not adequate to provide a deterrent.

(c) Without a significant increase in the penalties for failure to conduct lead-based paint abatement and control activities with trained lead-certified contractors and workers, residents will be subjected to conditions that threaten their lives and well-being.

(d) Without a significant increase in the penalties for failure to conduct lead-based paint abatement and control activities with trained lead-certified contractors and workers, the District of Columbia will not meet the threshold for eligibility and continued grant funding from the United States Environmental Protection Agency to administer and enforce federal lead-based paint statutes and regulations.

(e) The Lead-Based Paint Abatement and Control Temporary Amendment Act of 2002, effective October 17, 2002 (D.C. Law 14-204; 49 DCR 7676), is scheduled to expire on May 30, 2003. This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Lead-Based Paint Abatement and Control Emergency Declaration Resolution of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-95

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To approve an agreement between the District of Columbia and the Community Foundation for the National Capital Region for the administration by the Community Foundation for the National Capital Region of the Shaw Community Development Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Shaw Community Development Fund Approval Resolution of 2003".

Sec. 2. Pursuant to section 2 of the Convention Center Authority Shaw Community Development Fund Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-255; D.C. Official Code § 10-1202.04), the Mayor has submitted to the Council an agreement that authorizes administration of the Shaw Community Development Fund by the Community Foundation for the National Capital Region. The Council approves the agreement.

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, both to the Mayor and to the Community Foundation for the National Capital Region.

Sec. 5. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To authorize and provide for the issuance, sale, and delivery of up to \$30 million aggregate principal amount of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist The Phillips Collection in the financing, refinancing, or reimbursing of an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Phillips Collection Revenue Bond Project Approval Resolution of 2003".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor functions under this resolution pursuant to section 422(6) of the District of Columbia Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be The Phillips Collection, a nonprofit corporation organized under the Nonprofit Corporation Act of the District of Columbia.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

(9) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code 1-201.01 *et seq.*).

(11) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(12) "Loan" means the District lending of proceeds from the sale, in one or more tranches, of the Bonds to the Borrower.

(13) "Mayor" means the Mayor of the District of Columbia.

(14) "Project" means:

(A) The acquisition, construction, renovation, and equipping of one or more buildings located at 1600, 1612, and 1618 21st Street, N.W., Washington, D.C. (Lots 74 and 827, Square 66);

(B) Funding of any required deposit to a debt service reserve fund and/or capitalized interest; and

(C) Paying certain costs of issuance, including fees and premiums for any bond insurance or credit enhancement.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing or refinancing or reimbursement by Loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

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(2) The Borrower has requested the District to issue, sell, and deliver Revenue Bonds, in one or more series, in a total aggregate principal amount not to exceed \$30 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District of Columbia and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to the economic development of the District.

(4) The Project is an undertaking in the area of projects or property that will contribute to health, education, safety, or welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$30 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that such Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest

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on the Bonds, and the maturity date or dates of such Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(A)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District by the Secretary manual or facsimile signature. The Mayor execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(A)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on

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behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the Bonds being sold.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute in the name of the District, and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the executed Financing

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Documents and the executed Closing Documents, including those Financing Documents and Closing Documents to which the District is not a party.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(A)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be

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subject to any personal liability by reason of the issuance of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District.

Sec.13. Information reporting.

Within three days after the Mayor receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of such transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents, shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the development of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue its Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds authorized by this resolution.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

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Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds authorized by this resolution, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval required by section 147(f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act by the Council of the Project to be financed, refinanced, or reimbursed with the proceeds of such Bonds. This resolution approving the issuance of Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittals.

The Secretary to the Council shall transmit to the Mayor a copy of this resolution upon its adoption.

Sec. 19. Effective date.

This resolution shall take effect upon publication in the District of Columbia Register.

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A RESOLUTION

15-97

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to request that the Mayor of the District of Columbia correct a computer linkage problem among the Department of Motor Vehicles, the Department of Public Works and the Metropolitan Police Department with respect to the Registration of Out-of-State Automobiles program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Requesting the Mayor to Correct Computer Linkage Problems with the Registration of Out-of-State Automobiles Program Emergency Declaration Resolution of 2003".

Sec. 2. (a) The purpose of the recently begun Registration of Out-of-State Automobiles program was to require District residents with out-of-state vehicle registrations to properly and legally register their vehicles in the District of Columbia as other jurisdictions do.

(b) When a non-resident of the District receives a ticket under this program and then proves to the Department of Motor Vehicles (DMV) that he or she is a legal resident of another state, that information, while enough to void the ticket, goes no further than the DMV's computer database. Parking Control Aides at the Department of Public Works and Police Officers with the Metropolitan Police Department subsequently continue issuing tickets to persons who have proven their out-of-state residence because their computer system cannot receive data from the DMV's system.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council Requesting the Mayor to Correct Computer Linkage Problems with the Registration of Out-of-State Automobiles Program Emergency Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the Sense of the Council that the Mayor of the District of Columbia use the resources available, including those in the Office of the Chief Technology Officer, to correct a computer linkage problem among the Department of Motor Vehicles, the Department of Public Works and the Metropolitan Police Department with respect to the Registration of Out-of-State Automobiles program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Requesting the Mayor to Correct Computer Linkage Problems with the Registration of Out-of-State Automobiles Program Emergency Resolution of 2003".

Sec. 2. The Council finds that:

(1) The purpose of the recently begun Registration of Out-of-State Automobiles ("ROSA") program was to require District residents with out-of-state vehicle registrations to properly and legally register their vehicles in the District of Columbia as other jurisdictions do.

(2) When a non-resident of the District receives a ticket under this program and then proves to the Department of Motor Vehicles ("DMV") that he or she is a legal resident of another state, that information, while enough to void the ticket, goes no further than the DMV's computer database. Parking Control Aides at the Department of Public Works and Police Officers with the Metropolitan Police Department subsequently continue issuing tickets to persons who have proven their out-of-state residence because their computer system cannot receive data from the DMV's system.

Sec. 3. It is the Sense of the Council that the Mayor use the resources available, including those in the Office of the Chief Technology Officer, to correct a computer linkage problem among the Department of Motor Vehicles, the Department of Public Works and the Metropolitan Police Department with respect to the Registration of Out-of-State Automobiles program by July 8, 2003, so that non-residents who are parked in non-restricted, legal spaces and who have proven their legal residence elsewhere do not continue receiving unfair duplicate citations, which are making this valuable program look like a \$100-a-pop revenue generator. If the computer linkage problems are not remedied by July 8, 2003, the Council will consider other options.

Sec. 4. The Council shall transmit this resolution to the Mayor of the District of Columbia, the Chief Technology Officer, the Director of the Department of Motor Vehicles, the Director of the Department of Public Works and the Chief of Police.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to authorize the expenditure of \$600,000 from fiscal year 2003 reserve funds to enable the Children and Youth Investment Trust Fund to provide meals for District of Columbia children during the summer of 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Additional Use of the Reserve Funds Omnibus Emergency Declaration Resolution of 2003".

Sec. 2. (a) The District of Columbia is currently facing the highest childhood poverty rate in the nation.

(b) Compounded with the decline in private funds and an overwhelming increase in need, without additional funds, many District children will go hungry this summer.

(c) The use of \$600,000 from the fiscal year 2003 reserves to go to the Children and Youth Investment Trust Fund will help provide additional funds for the feeding program during the summer of 2003.

(d) The funds are necessary to feed daily over 6,000 District children, with breakfast and lunch and with an additional opportunity to take home bags of food. Over 768,000 meals will be served to children who do not have access to daily nutritious meals.

(e) Section 133 of the FY 2002 District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 955), requires the Council to pass legislation prior to the use of the District's budgeted reserve funds.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Additional Use of the Reserve Fund Omnibus Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to approve the acceptance and use of grants not included in the ceiling of the District of Columbia Appropriations Act, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Early May Budget Modifications for FY 2003 Grant Funds Emergency Declaration Resolution of 2003".

Sec. 2. (a) Section 119 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11), requires Council approval within 15 calendar days after a request for acceptance and use of grants not included in the ceiling of the FY 2003 appropriation for the District of Columbia.

(b) Grant requests have been submitted that are not included in the FY 2003 appropriations ceiling. These grants must be approved by the Council expeditiously.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Budget Modifications for FY 2003 Grant Funds Approval Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to prohibit the use of the Master Business License list other than by the District government for official use, to prohibit the District government from releasing Federal Employer Identification numbers and Social Security numbers of persons who apply for a Master Business License except under certain circumstances, and to implement an amnesty program until June 30, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Master Business Registration Second Delay Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Master Business License registration system was developed to assist the government in the protection of the public. It was not designed for the purposes of assisting commercial enterprises from sending unwanted commercial advertising to District of Columbia residents and businesses. Mailing addresses, e-mail addresses, and phone numbers contained in the Master Business License registration database should not be used for improper purposes. The District government should take reasonable steps to protect the Master Business License registration database from misuse; the Master Business License registration database should be used for legitimate public policy purposes. There is an immediate need to clarify that the Master Business License registration database should not be released in a mailing list or telephone list format. However, the database may be used by individuals seeking to obtain information for legitimate public policy purposes.

(b) A Federal Employer Identification number and Social Security number can be used to obtain sensitive information about a person for improper purposes, including criminal purposes. The District government should take reasonable steps to protect the privacy of a person's Federal Employer Identification number and Social Security number. There is a need to clarify that the Department of Consumer and Regulatory Affairs ("DCRA") should not release a person's Federal Employer Identification number or Social Security number except under certain circumstances.

(c) The Council approved the Omnibus Regulatory Reform Act in 1998. Pursuant to the

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Omnibus Regulatory Reform Act, all businesses in the District of Columbia must obtain a Master Business License. DCRA began implementation of the Master Business License program during 2002. The Council has received numerous complaints from residents and business people about the government's implementation of the registration program. The Council started to consider amendments to the Omnibus Regulatory Reform Act and the Master Business License registration system in 2002 and that consideration has extended into 2003. Permanent legislation, Bill 15-19, has been reported out of the Committee on Consumer and Regulatory Affairs and is now under consideration by the full Council. To allow the Council sufficient time in which to complete its consideration of the proposed permanent legislation, it is necessary to extend the deadline for registering until June 30, 2003.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Master Business Registration Second Delay Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare the existence of an emergency with respect to the need to call upon the United States Congress to not preempt State and local laws in the country that protect consumers against predatory lending.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Predatory Lending Emergency Declaration Resolution of 2003".

Sec. 2. (a) Predatory lending tactics that take away homeowners' equity and lock borrowers into high interest rates pervade the subprime mortgage market (as evidenced most recently by predatory lending settlements entered into by two of the very largest subprime lenders).

(b) Fannie Mae estimates that up to half of borrowers in subprime loans should be qualifying for 'A' loans with substantially lower rates and fees.

(c) The targeting of subprime loans to people of color, low- and moderate-income families, and senior citizens costs those who can least afford it billions of dollars each year and reverses hard-won progress that has been made on reducing the racial gaps in homeownership.

(d) States and localities have responded to the crisis by protecting their residents with laws that provide critical safeguards on high-cost home loans without cutting off access to credit, preventing most predatory loans from ever being made in the first place.

(e) Lenders that make predatory home loans, and their allies in Congress, are planning to push legislation through Congress to negate all state and local anti-predatory lending laws without providing any meaningful, new protections for consumers.

(f) Legislation has already been introduced in the House of Representatives that would preempt every state and local law in the country that protects consumers against predatory lending, including the District's Home Equity Protection Act of 2002.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Sense of the Council on Predatory Lending Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2003

To declare, on an emergency basis, the sense of the Council that Congress not adopt legislation preempting state and local predatory lending laws.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Predatory Lending Emergency Resolution of 2003".

Sec. 2. The Council finds that:

- (1) Predatory lending tactics that take away homeowners' equity and lock borrowers into high interest rates pervade the subprime mortgage market (as evidenced most recently by predatory lending settlements entered into by two of the very largest subprime lenders).
- (2) Fannie Mae estimates that up to half of borrowers in subprime loans should be qualifying for 'A' loans with substantially lower rates and fees.
- (3) The targeting of subprime loans to people of color, low- and moderate-income families, and senior citizens costs those who can least afford it billions of dollars each year and reverses hard-won progress that has been made on reducing the racial gaps in homeownership.
- (4) States and localities have responded to the crisis by protecting their residents with laws that provide critical safeguards on high-cost home loans without cutting off access to credit, preventing most predatory loans from ever being made in the first place.
- (5) Lenders that make predatory home loans, and their allies in Congress, are planning to push legislation through Congress to negate all state and local anti-predatory lending laws without providing any meaningful, new protections for consumers.
- (6) Legislation has already been introduced in the House of Representatives that would preempt every state and local law in the country that protects consumers against predatory lending, including the District's Home Equity Protection Act of 2002.

Sec. 3. It is the sense of the Council to call upon the US Congress to respect the authority of state and local elected officials, and to not preempt a state's ability to protect its constituents from predatory home loans that strip away hard-earned home equity, trap borrowers in excessive interest rates, and frequently cause families to lose their homes.

Sec. 4. This resolution shall take effect immediately.